

Exhibit 64

United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp. et al.

Civil Action No. 07-10248-PBS

Exhibit to the July 24, 2009, Declaration of James J. Fauci
In Support of Plaintiff's Motion for Partial Summary Judgment and
In Opposition to the Roxane Defendants' Motion For Partial Summary Judgment

Exhibit 18 for ID
 Witness Russillo
 L. O'Sullivan, CSR 1-8-09

National Accounts Monthly Report December 1998

COMPETITION:

*****Colin Carr-Hall*****

Not much, but I should put this down. Found out that Xact dose has formed an alliance with Alpharma on liquids. Xact dose products will start to be marketed by Alpharma representatives. Possible label changes to follow. (Sykora- XactDose specializes in prefilled oral syringes and some unit dose cups)

*****Dawn Gordon*****

PPSC

Methotrexate is being offered by Barr at a price of \$51.15.

ANDA

The price for Hydroxyurea is at approximately \$59. Both Barr and Duramed are offering this price. An even lower price was offered verbally. Once I receive a hard copy, I will forward.

AARP

Hydroxyurea is being offered at \$59.

*****Penny Hawthorne*****

Ranbaxy/ Gen-Pharm offered Meijers a Ranitidine bid:	150mg 60's	\$2.97
	150mg 500's	\$23.38
	300mg 30's	\$3.02

Glaxo just raised the price of Imuran. Meijers and Krogers would like us to raise our AWP but not our price. Glaxo is selling Imuran and two other off-patent products to a new upstart company. (Sykora- this offers us an opportunity to overcome two of the most common complaints heard for the lower than usual generic substitution rate for aza- too small a spread between awp and price on aza and too small a spread between imuran wac and aza wac)

PAR's were submitted to hold the business at Caremark on Hydroxyurea at \$62.30.

*****Steve Snyder*****

Hydroxyurea competitive offers now in from Rite Aid, Cardinal, and CVS.

Customers have completely lost interest in using Oramorph as a substitution for MS Contin because there are now two other AB rated competitors on the market.

SUCCESES:

*****Colin Carr-Hall*****

American Drug Stores - Secured a signed agreement placing our Key CII items back into a primary position. The agreement fended off a competitive offer from Endo and took a number of sku's away from Mallinckrodt. They had still been using Roxane CII products with secondary type pricing even though many items were not primary. I hope to see the business on the awarded items double within the year. Estimated incremental contract sales for a twelve month period should amount to at least an extra \$200K per year conservatively. (Sykora- great job on being persistent with this account, Colin!)

*****Dawn Gordon*****

AMERISOURCE

Amerisource agreed to pay RLI back for the WAC adjustment discrepancies by Jan. 1999. (Sykora- 3 of 4 biggest have agreed to pay back- 1 to go)

AARP

The official 1999 award for Diclofenac was received. (Sykora- major victory, Dawn- congrats!)

HYDROXYUREA

To date, Hydroxyurea has maintained its award status with RLI, for all of my accounts.

In addition to a competitive price, AARP required a straight quarterly rebate, and was separately offered a fee for service contract.

Eckerd recently requested a new offer from RLI. An offer is being sent today.

All remaining accounts were only offered a competitive price.

MICARDIS

Eckerd, HEB, and GIANT have ordered Micardis and have agreed to autoship 2 of each strength to each pharmacy.

*****Penny Hawthorne*****

PAR's and Pro-Active offers were submitted to all customers on Hydroxyurea and so far all have stayed with us except Shopko.

AREAS OF OPPORTUNITY:

*****Colin Carr-Hall*****

Albertsons – Still looks good until they transition.

American Drug Stores –The door is open to move on the Respiratory business to get them to qualify for the commitment. (Sykora- let's nail Dey on this one, Colin)

Longs Drug Stores - Prednisone and Lithium Orders to come soon. Usage will follow to Product Management.

*****Dawn Gordon*****

PULMADOSE

Pulmadose is interested in working with RLI and purchasing RLI respiratory products. I plan on visiting early 1999.

AMERISOURCE

Dan has agreed to add Hydromorphone 8mg tabs and solutions to the source programs. I am waiting for the pricing information from Rhoda.

*****Penny Hawthorne*****

Source program bid at F. Kerr still pending and optimistic. Ralph promised to FedEx it to me before 12-20. He will also forward the signed Commitment Agreement.

SPECIFIC ACCOUNT INFO:

Retail

*****Colin Carr-Hall*****

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PCN Buying Group – David Lanzillotta is currently working on two quarters of volume rebates (1ST & 2ND Qtr 98) due them on a program instituted prior to my taking them over. There is a considerable amount of computing that Dave is trying to streamline so that it can be reported to Medicaid. PCN has been very patient and cooperative on the prospect of accepting a much smaller volume rebate. This rebate will eventually be paid in a lump sum vs. having to stick to their original program (broken out per their PCN pharmacy stores).

I'm proposing that since we have basically routed them in this direction for the above that we give them their Oramorph SR market share rebates which we are also holding (2?). I'm asking that we accept the fact that they grew the business for Oramorph SR in the percentage that they claim, but only apply the percentage to our sales not theirs. These are not huge sums of money (one is about \$2,500) Roxann Rothacher can provide back-up. Their Oramorph SR agreements are over this year 1998 and next years agreement should be worded differently.

Dawn Gordon

ADVANCED PARADIGM

The 1999 bid award list is still in the hands of the attorneys.

Micardis information has been forwarded. The product will not be added to the warehouse unless scripts are received.

ECKERD

According to Lynn King, in 1999 Eckerd will probably switch from Oramorph SR to an MS Contin AB rated product as their sustained release product of choice. Although price will be a factor, the main reason for the switch is the product rating Eckerd feels our product causes too much confusion. I am still trying to save the business. . (Compared to ENDO and Purdue's generic, Oramorph is still about \$10 less expensive with most strengths. Based on my conversations with Lynn, Purdue may be offering a new lower price in 1999.)

A meeting was held to discuss the outstanding balance owed to RLI. The data requested by Eckerd has been forwarded to Eckerd. We have not received the data we requested as of yet (the "unidentified deductions" explanations.) Once all data has been received and reviewed, another meeting will be scheduled.

Mike LaBrecque is interested in short dated opportunities for the Mail Order facility.

A Hydrox offer has been made. Eckerd will not indicate what Barr offered, only that RLI has to present the best deal if we want to keep the business. A decision will be made this week.

Micardis has been ordered and will be autoshipped.

GIANT FOOD

Micardis has been ordered and will be autoshipped.

Laura Schneider claimed to have signed the Commitment Agreement. I have not seen it and continue to request it. Due the recent Ahold acquisition, I believe Laura may be interviewing with other organizations. This Agreement may not be on the top of her list of 'things to do.' I will continue to follow up.

PPSC

Amelia is still waiting for a response from RLI regarding the 'warehouse project.' (Sykora- Rich, Judy, & myself met on this and propose to pilot participate with some modifications)

Penny Hawthorne

PAR's submitted to Wal-Mart for CII offer from Malinkrodt. The products we were higher were: Roxicet 100's \$4.05, Roxicet 500's \$19.95 and Roxilox 100's \$13.75. He said he will submit a formal bid this year and we already responded.

Krogers will revisit the Commitment Agreement after the new year. They are not making any changes in product until they have a better handle on Fred Meyer's preferences. I told Bob that they use our Ipratropium and he said that is a plus on our side. (Sykora- it's been a long time coming but your persistency is winning- keep up the pressure and thank you, Penny)

Except for contract renewals and getting around to give holiday greetings, the majority of the month was spent on Micardis and Hydroxyurea follow-up.

Steve Snyder

CVS:

Commitment Agreement is reaching the top of the pile at CVS. Matt Leonard has asked me to call him on Monday morning (21st) to discuss it, as well as a Hydrox competitive offer, and a full line contract renewal.

Rite Aid:

Electronic copies of the Commitment and other agreements were forwarded to Irwin. He will "edit" and return for our review.

Kmart:

Presented a '99 rebate plan to Southard in December. Expect a signed accepted reply soon. We still view a strong program with Kmart as a beneficial in protecting our Cardinal business.

Genovese:

Was purchased by Eckerd. Expect completion of sale by March 1, 1999.

Brooks:

Had no interest whatsoever in participating in an Oramorph SR program, despite a 140 store presence in Mass. where substitution is allegedly mandatory. Brooks disputed our claim of mandatory substitution, and felt that with two AB rated products available, there was no reason to try to substitute to a non-AB rated product.

Wholesale

Colin Carr-Hall

Bergen - Have worked closely with Bob to hold back B.I. spec buys until Jan. 1999 while letting product necessary for service level go on out

McKesson - Have worked closely with Bob to hold back B.I. spec buys until Jan. 1999 while letting product necessary for service level go on out .

Dawn Gordon

AMERISOURCE

Micardis was not ordered promptly by Amerisource Regions. About ¾'s of the Regions have ordered product. I am working with Joe Montoto and TMS to get the remaining DC's product. Now that both organizations have come to an agreement regarding the WAC adjustment payback, I am pushing for the Commitment Agreement signature prior to year-end.

ANDA

The Source Program contract has been signed and loaded.

Penny Hawthorne

Bindley under ordered on Micardis and has now reordered to fill CVS and other chain dock to dock orders.

Steve Snyder

Cardinal:

Plan to offer 5% buy-in on 60 days of product and 5% bill-back on sell out for 60 day period for trade show support. This represents a weaning off of last year's program to the tune of about \$200,000. '98 trade show allowance on buy-in was \$600,000. '99 expected allowance is \$400,000. While I expect Cardinal to balk, I understand this to be our Cardinal wholesale trade show deal.

Cardinal forwarded a right of first refusal (RFR) on Hydroxyurea on 12/15. We were given 72 hours to have a \$1.2 million check to them in order to save the business. Rich and I presented to Cardinal a demonstration of how we believe BI benefits Cardinal to the tune of nearly \$12M annually in all of our programs combined. We responded to the RFR with an offer that was \$700,000 to \$1M short of Cardinal's demands, while stressing the importance of the other \$12M in value that we offer them. We should know Monday (21st) how they choose to respond. (Sykora- Steve, a great example of selling value and effectively done- top notch effort!)

We will be hosting several of Cardinal's buying staff personnel in January to discuss ways that we might better service them specific to lead times, service level, and customer service.

Buying Groups/GPOs

Tom Via

Novation has returned the signed contract for the private label IBUDV, the contract has been reviewed by legal and will be signed soon. The launch of the private label is still on track for March or April 1999. In the interim we are the sole awarded IBUDV for the Novation system (VHA, UHC, HPPI). The private label of IBUDV is a **BIG** deal to Novation, this is the first product that has been private labeled after the formation of Novation and it will be the first product that will be marketed under the NovaPlus label. They are planning a major sales push at the launch, not only to push the product but also to push the program to their "new" members. This should all lead to a major success for this product, with a quicker conversion of share to private label likely. This will be addressed by Novation in their forecasting of their needs for the product. In January Novation will begin laying out their plans and procedures for the launch of the product. They recognize the issue of wholesaler stocking RLI IBUDV to cover the needs of their membership and do not want to see large quantities of the product stuck in those warehouses, due to the launch of the private label. I cannot stress strongly enough how beneficial this program will be to the BI companies on the whole and specifically to RLI. We are now truly one of Novation's preferred PARTNERS rather than another vendor which should provide new opportunities for the company for expanded business opportunities. (Sykora- you worked hard to get this done, Tom- go ahead and take the rest of the year off- Seriously, this is big- a bonafide kill on your tally sheet!)

Premier has yet to dislodge Dey IBUDV from contract. If not done by yearend we should withhold the additional 2% marketing fee to force the issue. There is still no objection raised it has continued to be expressed as a time crunch issue. The departure of Bruce Dickerhoff has not helped the workload issue at Premier and has been a contributing factor in the delay. On the workload issue Steve Reiser's dissatisfaction continues to increase, it is still a very real possibility that he may opt to leave within the next six months. There has been a promise of an increase in FTEs for the pharmacy group, if this occurs he will likely be satisfied and remain if it does not I expect he will leave the group.

MHA has relayed a willingness to remove Dey IBUDV from contract if we can work out the issues around the Atrovent MDI IBUDV bundle. This would result in a nice increase in sales of IBUDV as well as providing increased incentive to promote the use of Atrovent MDI within the group. Once the issues

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concerning members that have access to the managed care Atrovent MDI/Combivent market share program has been addressed I believe this program will be a successful element in the promotion of BIC products within this group. (Sykora- let's push this up on everyone's agenda for 1st quarter 1999)

PRODUCT INFO

******Penny Hawthorne******

Walgreens heard that Malinkrodt is having quality control issues with their Roxicet, broken tablets in the bottles.

KEY MEETINGS

******Colin Carr-Hall******

Dec. 13th – 15th, Attended Karrass Negotiation seminar in San Francisco. Great seminar for developing better skills at the bargaining table.

******Dawn Gordon******

Attended a Negotiations Seminar. Although the program was not specific to the pharmaceutical industry, I felt that it was a beneficial program.

INDUSTRY EVENTS:

PERSONNEL ISSUES:

Two open National Account Manager positions open- Southeast and North Central. Posted internally 12/15/98. One potential internal candidate, three external. Intent is to hire Southeast by 3rd week January.

BUDGET UPDATE:

******Tom Via******

The issue of sales reporting for the groups is still a concern of mine. I have heard recently that charge backs for 1997 were just cleared out within the past month. Since all of my sales are centered on the charge back system you can see the reason for my concern. This does not even address the issue of the problems we have with charge backs being denied for procedural problems in filing the claims. I recognize that all involved in this process know the issues and limitations that are inherent to our system, unfortunately that doesn't make it any less frustrating from a field perspective. (Sykora- there has been problems with chargebacks- those due to our systems have been mostly cleared up, several of the wholesalers, notably McKesson, continue to have their own system problems)

PROJECT UPDATES:

SUGGESTIONS: